IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WA.No. 1264 of 2002(B)

AGAINST THE JUDGEMENT IN OP.37144/2001 Dated 06/12/2001
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APPELLANT: APPELLANT:

M.P. MATHEW, P.D. TEACHER (RETIRED),
GOVT. H.S. PUTHUVELYL, MONIPPALLY, KOTTAYAM.

BY ADV. SRI.PKM.HASSAN
SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN

RESPONDENTS: RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY, GENERAL EDUCATION DEPARTMENT,
GOVT. OF KERALA, THIRUVANANTHAPURAM.

2. ACCOUNTANT GENERAL (A & E),
KERALA, THIRUVANANTHAPURAM.

3. DEPUTY DIRECTOR OF EDUCATION,
KOTTAYAM.

4. HEADMISTRESS, GOVT. H.S. PUTHUVELY,
MONIPPALLY, KOTTAYAM.

R1 TO R3 BY GOVT PLEADER SRI K. SANDESH RAJ

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 19/06/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.S. RADHAKRISHNAN & ANTONY DOMINIC, JJ.

Writ Appeal No 1264 of 2002

Dated: 19th June 2007

JUDGMENT

Radhakrishnan, J.

Heard counsel on either side.

2. Counsel submits that the point raised in this case is already covered by the decision of the apex court in State of Kerala v. Neelakantan Nair (2005 (3) KLT 717). Going by the dictum laid down by the apex court, petitioner is entitled to reckon the period from 31.12.1996 to 31.3.1997 for the purpose of pay and allowance, but that period cannot be counted for the purpose of pension in view of the amendment effected to the K.S.R by G.O.(P) No 331/06/Fin dated 10.08.2006. Counsel for the appellant submitted that the appellant proposes to challenge the notification about which we express no opinion. The writ appeal is disposed of as above.

SD/-
K.S. RADHAKRISHNAN
Judge

SD/-
ANTONY DOMINIC
Judge

19/06/2007en [true copy]